

AMENDED IN ASSEMBLY JUNE 3, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 686

Introduced by Assembly Member Baugh

February 26, 1997

An act to amend Section 24216 of, and to add Section 22112.6 to, the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 686, as amended, Baugh. School employee retirement.

The

(1) *The State Teachers' Retirement Law* defines the term "class of employees" for purposes of various benefit determinations.

This bill would authorize specified county offices of education to revise the definition of that term.

(2) *The State Teachers' Retirement Law* authorizes school governing boards to encourage retirements by providing additional service credit and provides that those retired members are subject to postretirement school employment limitations.

This bill would exempt certain types of postretirement school employment from that restriction after the person has been retired for one year.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22112.6 is added to the
 2 Education Code, to read:
 3 22112.6. Notwithstanding Section 22112.5, any county
 4 office of education that, prior to January 1, 1997, operated
 5 a special education program for up to 225 days, and
 6 changes that program to a regular school year of not less
 7 than 180 school days with an extended year of not more
 8 than 45 days effective July 1, 1998, may consider days of
 9 service in defining not more than two classes of
 10 employees, subject to the following:
 11 (a) Members employed in the 225-day program prior
 12 to October 1, 1997, may remain in a class of employees for
 13 whom full-time service is 216 days per year.
 14 (b) Any of those members may elect to belong to a
 15 second class of employees for whom full-time service is
 16 fewer than 216 days per year, but not less than the
 17 minimum standard specified in paragraph (1) of
 18 subdivision (b) of Section 22138.5, if both of the following
 19 conditions exist:
 20 (1) The election is made on or before June 30, 1998,
 21 and is effective July 1, 1998.
 22 (2) The election is nonrevocable.
 23 (c) All certificated employees hired on or after
 24 October 1, 1997, shall belong to the class of employees
 25 specified in subdivision (b).
 26 (d) This section shall not apply to certificated
 27 employees whose base year is determined pursuant to
 28 subparagraph (A) or (B) of paragraph (2) of subdivision
 29 (b) of Section 22138.5.
 30 *SEC. 2. Section 24216 of the Education Code is*
 31 *amended to read:*
 32 24216. (a) (1) A member retired for service who is
 33 appointed as a trustee or administrator by the
 34 Superintendent of Public Instruction pursuant to Section
 35 41320.1, or a member retired for service who is assigned
 36 by a county superintendent of schools pursuant to Article
 37 2 (commencing with Section 42120) of Chapter 6 of Part



1 24, shall be exempt from subdivisions (d), (e) and (f) of
2 Section 24214 for a maximum period of two years.

3 (2) The period of exemption shall commence on the
4 date the member retired for service is appointed or
5 assigned and shall end no more than two calendar years
6 from that date, after which the limitation specified in
7 subdivisions (d), (e) and (f) of Section 24214 shall apply.

8 (3) An exemption under this subdivision shall be
9 granted by the system providing that the Superintendent
10 of Public Instruction or the county superintendent of
11 schools submits documentation required by the system to
12 substantiate the eligibility of the member retired for
13 service for an exemption under this subdivision.

14 (b) (1) A member retired for service who is
15 employed by an employer to perform creditable service
16 in an emergency situation to fill a vacant administrative
17 position requiring highly specialized skills shall be
18 exempt from the provisions of subdivisions (d), (e) and
19 (f) of Section 24214 for creditable service performed up
20 to one-half of the full-time equivalent for that position, if
21 the vacancy occurred due to circumstances beyond the
22 control of the employer. The limitation specified in
23 subdivisions (d), (e) and (f) of Section 24214 shall apply
24 to creditable service performed beyond the specified
25 exemption.

26 (2) An exemption under this subdivision shall be
27 granted by the system subject to the following conditions:

28 (A) The recruitment process to fill the vacancy on a
29 permanent basis is expected to extend over several
30 months.

31 (B) The employment is reported in a public meeting
32 of the governing body.

33 (C) The employer submits documentation required
34 by the system to substantiate the eligibility of the
35 member retired for service for an exemption under this
36 subdivision.

37 (c) This section shall not apply to any person who has
38 received additional service credit pursuant to Section
39 ~~22714~~, 22715, or 22716.



1 (d) *A person who has received additional service*
2 *credit pursuant to Section 22714 shall be ineligible for one*
3 *year from the effective date of retirement for the*
4 *exemption provided in this section for work performed in*
5 *the district from which he or she retired.*

6 (e) This section shall become operative on July 1, 1995,
7 and shall remain in effect only until July 1, 2000, and as of
8 that date is repealed, unless a later enacted statute, which
9 is enacted before July 1, 2000, deletes or extends that date.

